

Remarks

In response to the Office Action mailed on June 27, 2007, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, independent claims 1, 20, and 32 have been amended. The claims have been amended to clarify that the transmission comprises at least one of a telephone call and a data message from the communications sender directed to a party associated with the receiving wireless electronic device and that determining the operational status of the receiving wireless electronic device comprises periodically signaling the wireless electronic device. Support for these amendments may be found on page 8, lines 3-26 in the Specification. No new matter has been added.

Claims 1-39 are pending in the application. In the Office Action, claims 1-4, 7, 10, 11, 16, 17, 19-22, 24, 27-29, 31-33, 37, and 39 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sandegren (US 6,512,930). Claims 5, 6, 8, 9, 12-15, 18, 23, 25, 26, 30, 34, 35, 36, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandegren.

Claim Rejections - 35 U.S.C. §102

Claims 1-4, 7, 10, 11, 16, 17, 19-22, 24, 27-29, 31-33, 37, and 39 stand rejected as being anticipated by Sandegren. The rejection of these claims is respectfully traversed.

Amended independent claims 1 specifies a method of alerting a communications sender of the status of a receiving wireless electronic device. The method includes receiving a transmission at a wireless network directed to the receiving wireless electronic device, the transmission comprising at least one of a telephone call and a data message from the communications sender directed to a party associated with the receiving wireless electronic device; determining the operational status of the receiving wireless electronic device, wherein determining the operational status of the receiving wireless electronic device comprises

periodically signaling the wireless electronic device; and if the receiving wireless electronic device is not capable of receiving and processing the transmission directed to the receiving wireless electronic device, returning a signal to a sending communication device from which the transmission is emitted to alert a user of the sending communication device that the receiving wireless electronic device is not capable of receiving and processing the transmission.

It is respectfully submitted that Sandegren fails to teach each and every feature specified in amended claim 1. For example, Sandegren fails to teach a transmission comprising at least one of a telephone call and a data message from the communications sender directed to a party associated with the receiving wireless electronic device and determining the operational status of the receiving wireless electronic device comprises periodically signaling the wireless electronic device.

Sandegren discusses a system for notifying a first user of a mobile communication device about the status of other users in a mobile communications system. A signal is sent from a mobile communication device to a service node in which a list is determined that indicates other users that the first user wants to know the status of. The status of each of the other users on the list is then determined, and the status is transmitted from the service node to the mobile communication device. A remote server checks through the list and determines, for each of the listed individuals, whether they are presently capable of responding to an anticipated call or other transmission from the user. If so, the status is reflected on a display of the mobile communication device. See Column 2, lines 1-11 and Column 3, lines 18.

Sandegren fails to teach a transmission comprising at least one of a telephone call and a data message from the communications sender directed to a party associated with the receiving wireless electronic device. In contrast (as discussed above), Sandegren merely discusses that a

“status” signal is sent to a service node to determine a user’s status in advance of an anticipated call or other transmission. Thus, amended claim 1 specifies that the transmission for determining the status of the receiving wireless electronic device is a phone call or data message directed to a receiving party while Sandegren requires a status signal to be sent before a call or data message is sent to a receiving party. It may be appreciated that the method of amended claim 1 is more efficient in that a single communication to the receiving party is used to determine the receiving party’s status and to send the transmission to the receiving party while Sandegren appears to require separate communications for determining status and for sending the transmission. Sandegren also appears to be silent with respect to determining the operational status of the receiving wireless electronic device by periodically signaling the wireless electronic device. In contrast, Sandegren does not discuss periodic signaling but rather discusses the sending of a signal which is used to determine the status of a predefined list of users in a communication system (see Column 3, lines 1-10).

Based on the foregoing, Sandegren fails to teach or suggest each and every feature specified in amended claim 1. Therefore, claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-4, 7, 10, 11, 16, 17, and 19 depend from amended claim 1 and thus are allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Amended independent claims 20 and 32 specify similar features as amended claim 1 and thus are allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Claims 21-22, 24, 27-29, 31, 33, 37, and 39 depend from amended claims 20 and 32 and thus are allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 5, 6, 8, 9, 12-15, 18, 23, 25, 26, 30, 34, 35, 36, and 38 are rejected as being unpatentable over Sandegren. These claims depend from amended independent claims 1, 20, and 32. As discussed above, Sandegren fails to teach or suggest each of the features specified in amended claims 1, 20, and 32. Thus, these claims are allowable over Sandegren for at least the reasons discussed above. As claims 5, 6, 8, 9, 12-15, 18, 23, 25, 26, 30, 34, 35, 36, and 38 depend from amended claims 1, 20, and 32, these claims are also allowable over Sandegren for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(404) 954-5064

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/Alton Hornsby III/
Alton Hornsby III
Reg. No. 47,299

